

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Judy Mikovits,

Plaintiff,

VS.

The Whittemore Peterson Institute,

Defendant.

3:15-cv-00409-RCJ-WGC

ORDER

Over five years ago, Plaintiff initiated this qui tam case in the Southern District of California; shortly thereafter, that district transferred the case to this Court. Plaintiff has not ever filed proof of service, despite this Court’s Order (ECF No. 30) instructing Plaintiff to do so by June 10, 2019. Subsequently, the United States, as an interested party, moved to have this case dismissed, based in part on Plaintiff’s noncompliance with that order. ECF No. 33. Similarly, the Plaintiff has not responded to the motion.

The Court declines to rule on the merits of the motion to dismiss at this time, because there is no evidence that Plaintiff has received service of either the Court's Order (ECF No. 30) or the motion to dismiss. Further complicating the issue, the docket lists Robert Liske as counsel for Plaintiff; however, he has not filed an appearance in this Court. Rather, he has only appeared in the Southern District of California. Nonetheless, the Clerk of the Court attempted to serve the

1 Court's Order (ECF No. 30) to Mr. Liskey by mail, but that mailing was returned as undeliverable.
2 ECF No. 31. Since the transfer, the Plaintiff has been acting pro se, *see* ECF Nos. 29 and 32, and
3 Mr. Liskey never filed an appearance. Thus, the Court removes Mr. Liskey from the docket.
4 Plaintiff shall proceed in this action pro se, unless an attorney formally files an appearance in this
5 Court on her behalf.

6 The Court is troubled that Plaintiff has not filed proof of service in the five years since the
7 inception of this case, but these unique circumstances merit allowing Plaintiff a final opportunity
8 to provide proof of service and to oppose the motion to dismiss. Accordingly, the Court will have
9 the recent docket filings served on Plaintiff. The Court orders that she shall respond to the motion
10 to dismiss by October 28th and that she shall file proof of service on Defendant by November 25th.
11 If Plaintiff fails to comply with this Order, then the Plaintiff may face dismissal of her case.

12 **Conclusion**

13 IT IS HEREBY ORDERED that the Clerk of the Court shall remove Plaintiff's counsel,
14 Robert Liskey, from the docket.

15 IT IS FURTHER ORDERED that the Clerk of the Court shall mail copies of Orders (ECF
16 Nos. 28, 30) to Plaintiff at her last known address: 137 Maple Ave., #2, Carlsbad, CA 92008.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of Motion to
18 Dismiss (ECF No. 33) to Plaintiff at her last known address: 137 Maple Ave., #2, Carlsbad, CA
19 92008.

20 IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order to
21 Plaintiff at her last known address: 137 Maple Ave., #2, Carlsbad, CA 92008.

22 IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of Amended
23 Complaint (ECF No. 18) to Plaintiff at her last known address: 137 Maple Ave., #2, Carlsbad, CA
24 92008.

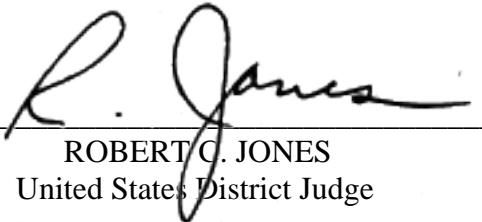
1 IT IS FURTHER ORDERED that Plaintiff shall file a response to Motion to Dismiss (ECF
2 No. 33) by November 15, 2019.

3 IT IS FURTHER ORDERED that Plaintiff shall file proof of service on Defendant by
4 November 25, 2019.

5 IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, then the
6 Plaintiff's case may be dismissed.

7 IT IS SO ORDERED.

8 Dated this 16th day of October, 2019.

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11 ROBERT C. JONES
12 United States District Judge
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